

HIGH COURT OF UTTARAKHAND AT NAINITAL

First Bail Application No. 557 of 2022

Mandeep Singh

.....Applicant

Versus

State of Uttarakhand

.....Respondent

Present:-

Mr. S.R.S. Gill, Advocate for the applicant.

Mr. Pramod Tiwari, Brief Holder for the State.

Mr. Mani Kumar, Advocate for the informant.

Hon'ble Ravindra Maithani, J. (Oral)

Applicant is in judicial custody in Case Crime No.328 of 2021, under Sections 420, 467, 468, 471, 506 IPC, Police Station- Tramsit Camp, District- Udham Singh Nagar. He has sought his release on bail.

2. Heard learned counsel for the parties and perused the record.

3. According to the FIR, the applicant had assured Siddharth Arora and Prajeet Singh to facilitate them to settle in Canada. The fee was fixed at Rs. 10 Lakhs each. The FIR records that some money was given by Siddharth Arora and Rs. 20,92,000/- was transmitted in the account of the applicant by the informant. The FIR records other details also as to how the money was transmitted.

4. Learned counsel for the applicant would submit that, in fact, the applicant, the informant and some other persons were partners in a consultancy business. They have also filed a joint complaint in Punjab, claiming themselves to be partners. It is submitted that after filing of the FIR in the instant case, on 26.11.2021, the FIR was lodged by one Shamsheer Singh against the applicant, the informant, Siddhartha Arora, Anmol Kakkar and Others, which was registered as FIR No.18 of 2022, Police Station Rudrapur, District Udham Singh Nagar. It is argued that had the applicant cheated the informant Anmol Kakkar in the year 2021, he had no occasion to join business with the applicant again in the year 2022. It is argued that, in fact, the applicant, the informant and others were partners. When some dispute arose, instant FIR has been lodged on false grounds.

5. Learned counsel for the informant would submit that the informant is not partner with the applicant. He admits that in FIR No.18 of 2022, Police Station Rudrapur, District Udham Singh Nagar, the informant, the applicant, Siddharth Arora and Others are accused. He would also submit that the informant was

not partner of the applicant. Instead, they were friends of the informant in FIR No.18 of 2022, Police Station Rudrapur, District Udham Singh Nagar and they only introduced the informant in FIR No.18 of 2022, Police Station Rudrapur, District Udham Singh Nagar, with the applicant.

6. Learned State Counsel would submit that the applicant and the informant were not partners.

7. It is a stage of bail. Much of the discussion is not expected of. Arguments are being appreciated with the caveat that any observation made in this order shall have no bearing at any subsequent stage of the trial, or in any other proceeding.

8. In FIR No.18 of 2022, Police Station Rudrapur, District Udham Singh Nagar, there are allegations against the informant of the instant case that he also received money from the informant of FIR No.18 of 2022, Police Station Rudrapur, District Udham Singh Nagar. In fact, there are allegations against one Siddharth Arora, that he also received money, who, according to the instant FIR, is the victim.

9. Having considered, this Court is of the view that it is a case fit for bail and the applicant deserves to be enlarged on bail.

10. The bail application is allowed.

11. Let the applicant be released on bail, on his executing a personal bond and furnishing two reliable sureties, each of the like amount, to the satisfaction of the court concerned.

(Ravindra Maithani, J)
10.06.2024

Ravi Bisht